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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,920	08/25/2006	Haseeb Akhtar	16818RRUS06N	4228
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@munckcarter.com
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Office Action Summary

Application No.

10/590,920

Applicant(s)

AKHTAR ET AL.

Examiner

THAI D. HOANG

Art Unit

2463

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 11 is objected to because of the following informalities: the word "the" is duplicated. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng et al (hereinafter "*Peng*"), US Patent Application Publication No. 2003/0145091 A1, in view of the admitted prior art.

Regarding claims 1-2, and 17, Peng discloses a method and system called "Access terminal profile in a data cellular network." Peng discloses the system comprising the steps of: processing a call initiation request for a call from a mobile station; and contemporaneously, allocating resources within the base station subsystem needed to grant network access to a Mobile Station the mobile station (an Access Terminal 20 (AT) that can send a connection request message to the Access Network (AN), which in turn allocates radio resources (e.g., a physical traffic channel) to the AT (step 250) for use in sending/receiving data packets to/from the packet switched data network (step 260), figures 1-2, paragraph [0027].) The admitted prior art (see figs. 1A

and 1B) discloses the steps of: identifying the call as a packet data call for specific packet-based applications (see page 3 present application); generating a setup request message and sending the setup request message to a processor within the base station subsystem (Fig. 1A, step 144); and in response to receiving the setup request message, allocating radio link related resources to establish a radio link between the mobile station and the base station subsystem for the call (step 148), and transmitting a message to a packet control function operable for allocating packet data resources to establish a packet data session for the call (step 152). The admitted prior art discloses call setup and radio link setup are setup separately instead of combining in the setup request message. However, it is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose. *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). See also *In re Crockett*, 279 F.2d 274, 126 USPQ 186 (CCPA 1960); and *Ex parte Quadranti*, 25 USPQ2d 1071 (Bd. Pat. App. & Inter. 1992). See MPEP 2144.06.I. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the admitted prior art into the system disclosed by Peng in order to improve quality of service because the initiating setup process is quickly setup.

Regarding claims 3, 22 and 24, Peng does not explicitly disclose the specific packet-based applications is a one of a voice-over-IP (VoIP) application or a push-to-talk (PTT) application. However, the admitted prior art comprises this feature. See page 1 of the present application. It would have been obvious to one of ordinary skill in the art

at the time the invention was made to adapt the admitted prior art into the system disclosed by Peng in order to improve quality of service because a service is based on classification.

Regarding claim 4, Peng does not explicitly disclose the specific packet-based applications is a one of a push-to-media application or and instant messaging application. However, the admitted prior art comprises this feature. See page 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the admitted prior art into the system disclosed by Peng for advantages cited above with respect to claim 3.

Regarding claims 5-6, the system disclosed by Peng inherently comprises software and hardware for allocating channels, therefore, the resources in the Peng's system are inherently both software and hardware resources.

Regarding claims 7 and 26, Peng discloses processing the call initiation request and contemporaneously allocating resources within the base station subsystem is performed in a routing agent (the ANs transmit and receive data packets to and from ATs over the air interface; it, therefore, performs as a routing agent, paragraphs [0005], [0007], [0022] and [0027].)

Regarding claims 8-9 and 18-19, Peng discloses wherein the resources further comprise resource manager resources (the BSC 35 in the system disclosed by Peng allocates resources for a call, therefore, it inherently performs a resource manager and call processing resources, see figs. 4-5 and p.[0027].)

Regarding claim 10, Peng discloses wherein the step of contemporaneously, allocating resources is performed during user authentication (figures 4 and 8 the steps of allocating is performed during user authentication, steps 450, 460, 845 and 870.)

Regarding claim 11, the admitted prior art discloses wherein the specific packet-based applications are delay-sensitive applications, see pages 1-2 of the present application. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the admitted prior art into the system disclosed by Peng for advantages cited above with respect to claim 3.

Regarding claims 20-21, 23 and 25, the admitted prior art discloses the step of receiving a call initiation request for a call from a mobile station (fig. 1A, step 124); identifying the call as a packet data call for specific packet-based applications (see pages 1-2 of the present application); and in response to receiving a combined setup request message operable for initiating call setup and radio link setup (steps 140-148). Peng discloses the system comprising the steps of: allocating Packet Control Function resources for a packet data; establishing an A10 interface between a PCF and a Packet Data Service Node (PDSN), and connecting the PCF resources for the packet data session in response to allocating the PCF resources (see figure 1, Peng discloses the system comprises A10 interfaces, which is connect PCF modules 40 with PDSN 50 to allocate resources for packet data session, paragraphs [0020]-[0023].) It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the admitted prior art into the system disclosed by Peng for advantages cited

above with respect to claim 1.

Response to Arguments

Applicant's arguments with respect to claims 1, 17, 20 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THAI D. HOANG whose telephone number is (571)272-3184. The examiner can normally be reached on Monday-Friday 10:30am-19:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ferris Derrick can be reached on (571) 272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thai D Hoang/

Primary Examiner, Art Unit 2463